



## YOUTH COMMUNITY CORRECTIONS BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: YCC 130-3	Subject: <b>JUVENILE INTERSTATE PAROLE AND PROBATION ABSCONDERS</b>
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Applicable ACA Standards:	Revision Date: 01-09-06, 11-23-07, 05-24-10
Signature: /s/ Karen Duncan	Effective Date: 02-10-04
Signature: /s/ Steve Gibson	

### I. BUREAU DIRECTIVE:

The Youth Community Corrections (YCC) Bureau will establish procedures outlining procedures and applicable standards used by Interstate Compact for Juveniles (ICJ) to respond to Juvenile Parole and Juvenile Probation youth when they have absconded from Montana and are located in another state. This procedure will be reviewed annually and updated as needed.

### II. DEFINITIONS:

**OOS (Out-of-State) Officer** - a Juvenile Parole Officer, Juvenile Probation authority, or detention intake worker in a state other than Montana who is assisting in returning a juvenile parole or juvenile probation absconder.

**Parole Absconder** - a Department of Corrections youth under juvenile parole supervision who hides, conceals, or absents himself/herself with the intent to avoid legal process or authorized control. As it relates to the Interstate Compact for Juveniles, the youth has fled from an authorized placement in another state or has fled to another state from Montana.

**Probation Absconder** - a probation youth, subject to the jurisdiction of a Montana Youth Court who hides, conceals, or absents himself/herself with the intent to avoid legal process or authorized control. As it relates to Interstate Compact for Juveniles, the youth has fled from an authorized placement in another state or has fled to another state from Montana.

### III. PROCEDURES:

For current Juvenile Interstate Compact information and forms, access [www.juvenilecompact.org](http://www.juvenilecompact.org)

#### A. STEPS:

#### RESPONSIBILITY:

1. Upon receipt of information that a Juvenile Parole Youth or Juvenile Probation Youth has been determined to be an absconder, either from an approved placement in another state, or it is believed he/she has fled from the State of Montana, an appropriate Certificate to Detain, Order to Return to Custody, Warrant, or other legal order for his/her apprehension

Supervising Montana Juvenile Parole or Juvenile Probation Officer

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shall be filed with NCIC. Notice shall be given to the Montana ICJ Office that an order to apprehend has been issued.

2. Once the authorization to apprehend is issued through NCIC, and it is determined that the Montana youth offender is detained in another state; the OOS Officer or intake worker will contact their Interstate Compact office. The holding state's ICJ office will then contact Montana ICJ Unit. The Juvenile Parole Officer or Juvenile Probation Officer will usually be contacted directly by the holding authority to verify the status of the warrant. When that happens, the Juvenile Parole Officer or Juvenile Probation Officer is then responsible for contacting the Montana ICJ Unit.
 

OOS Officer  
  
 Juvenile Parole Officer /  
 Juvenile Probation Officer
3. The Holding State's ICJ Office is responsible for assigning responsibility for, completion of and securing signatures on [ICJ Form III](#). The OOS Officer advises the absconder that he/she may voluntarily return to Montana. The youth is entitled to counsel prior to signing the voluntary return waiver. [ICJ Form III](#) waivers must be signed by the offender in the presence of a Judge and must include the presiding judge's signature.
 

Out of State ICJ Office  
 OOS Officer
4. If the youth absconder fails to consent to a voluntary return, the Montana Juvenile Parole Officer or Montana Juvenile Probation Officer must begin the ICJ requisition process under Article V of Section [41-6-101 MCA](#). [ICJ Form II](#) must be completed and attached to supporting documents, then submitted to the Montana Compact Administrator. Three complete sets of original, completed requisitions and certified supporting documents must be sent to the Montana ICJ Office, who will, following attachment of the Compact Administrator's notarized signature, forward the paperwork, by overnight mail, to the state detaining the parole absconder. (In all
 

Juvenile Parole Officer / Juvenile  
 Probation Officer  
  
 Montana ICJ Deputy Compact  
 Administrator

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cases of absconders, all communication and correspondence must be routed through the Montana ICJ Unit.)

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| 5. | Prior to the youth's return, any new charges pending in the other state must be dismissed or have received a final disposition.  | OOS Interstate Compact Administrator   |
| 6. | Procedures for the return of Youth Runaways, under the Interstate Compact, shall be essentially the same as those utilized for Juvenile Parole or Juvenile Probation Absconders, following Section <a href="#">41-6-101 MCA Article IV</a> and consistent with <a href="#">ICJ Rule 6-101</a> and <a href="#">ICJ Rule 6-102</a> .   | ICJ Office / Juvenile Parole Officer Supervisor/Juvenile Chief Probation Officer |
| 7. | Transportation arrangements will be coordinated between each respective state's ICJ Unit and the responsible Juvenile Parole Officer or Juvenile Probation Officer. The flight risk of the youth or runaway and public safety must be taken into consideration when determining if a youth will be returned escorted or unescorted. All returns and transportation arrangements will be in accordance with <a href="#">ICJ Rule 6-105</a> through <a href="#">ICJ Rule 6-111</a> . | ICJ State Offices<br>Juvenile Parole Officer/Juvenile Probation Officer          |

**B. For runaways or absconders from other states that are apprehended in Montana, the same procedure is followed, with Montana becoming the "other state."**

#### **IV. CLOSING:**

Questions concerning this procedure shall be directed to Interstate Compact Administrator and Youth Community Corrections Bureau Chief.

#### **V. REFERENCES:**

<a href="#">41-6-101, MCA</a>	<a href="#">Enactment – Provisions, Interstate Compact on Juveniles (Articles IV, V, VI)</a>
<a href="#">41-6-102, MCA</a>	<a href="#">Juvenile Compact Administrator</a>
<a href="#">41-6-105, MCA</a>	<a href="#">Responsibilities of Courts, State Departments, Agencies, and Officers</a>
<a href="#">YCC 130-1</a>	<a href="#">Interstate Compact Transfers (ICJ)</a>

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[Interstate Commission for Juveniles Rules](#)

**VI. ATTACHMENTS:**

[ICJ Form II, Requisition for Escape or Absconder Charged as a Delinquent](#)

[ICJ Form III, Consent for Voluntary Return for Runaway, Escapee, or Absconder](#)